

The reason I talk about this is when I was Governor in 1996, I was able to sign, and happy to sign, this into law. It is a law that has commonsense provisions requiring the Pledge of Allegiance, but also with provisions to develop guidelines for reciting the pledge in public schools. That law has been the law since 1996.

The point is that the pledge is a patriotic exercise. Thomas Jefferson, again, who authored the Statute of Religious Freedom, had no intention of allowing Government to limit, restrict, regulate, or interfere with public religious practices.

Mr. Jefferson believed, along with our other Founders, that the first amendment had been enacted only to prevent Federal establishment of a national denomination. This patriotic pledge establishes no religious denomination. There is no establishment of any religious denomination. I would fight against any sort of effort, by any State, or by the Federal Government to establish any national denomination.

Understand the history of our country. There was an Anglican Church, the Church of England. There were people who were forced to pay tithes or contribute to this church, even if they did not believe in it. The Baptists were the ones who were the most upset. Mr. Jefferson sent a letter to the Baptists of Danbury, where he was espousing his views and where some of these misinterpretations may have occurred. The point is this is no establishment of religion.

This Federal judge, though, in California, and the Ninth Circuit Court of Appeals judges, are examples of Government overreach in a very different and harmful way. It is judicial activism at its very worst. It is activism by unelected judges. Through this decision and decisions such as this, they usurp the rights of the people, usurp the policymaking role given to this body and also to the people in the States. These are rights that are actually guaranteed to all of the people in the States in our Constitution.

I do not know what the next decision from Federal judges might be, especially if they are relying on this precedent from the Ninth Circuit Court of Appeals. Will they ban the singing of God Bless America in our schools? Who knows?

Will they redact, or force the editing of founding documents, which are some of the greatest documents in the history of mankind and civilization, because there are references to God or to our creator? Will the Congress, the Supreme Court, and State legislatures all across the land be prohibited from opening their sessions with the pledge because it might somehow offend the sensibilities of someone watching a legislative body opening with a Pledge of Allegiance, whether it is on a public access channel or C-SPAN or otherwise?

The fact is this is not an argument about God or no God. It is not an argu-

ment about the separation of church and State. It is not an argument about the establishment of any particular religious denomination. Saying the Pledge of Allegiance is no more of a religious act than buying food with currency that reads "In God We Trust." It is a patriotic act. If a student does not want to say it, he or she can sit quietly in the classroom. But that should not thwart the desire of the people, whether it is in counties in California or counties in cities and towns in the Commonwealth of Virginia or in the plains of Kansas or in the Rocky Mountains or anywhere else. If that is what they so desire, then the people ought to be able to have that in their public schools.

I sense that most Americans agree that the Pledge of Allegiance should remain in our schools and other public functions. As it is today, it should be voluntary and should be a matter of public conscience.

On this issue, similar to so many others, the Ninth Circuit Court of Appeals is out of touch with the people and flat-out wrong. This errant decision clearly points out the need to put, reasonable, well-grounded judges who have common sense on the Federal bench, rather than these delusional activists who ignore the will of the people of the United States. The promise of America is rooted in one idea, that the direction of our country is, and will always be, determined by the consent and the will of the people.

If there is anything to be understood from our Constitution, our Bill of Rights, it is that the Government is instituted by the people. They may have representative government through the States, but the Bill of Rights is there to protect our God-given rights. Some rights of ours are to have a government, with our consent, that reflects our values.

I hope, in this particular case, which is illustrative of others, that either the Ninth Circuit, or the United States Supreme Court will reverse this egregious decision that bans the Pledge of Allegiance in public schools. The will of the people ought to be respected.

I will close by saying this: God bless America; and I am glad I am still allowed to say it. I wish the kids were able to say the Pledge of Allegiance or God bless America in their schools, without worrying about some unelected Federal judge coming in and thwarting the will of the people, the decency and wholesomeness of the people of this country. I am hopeful we will soon have John Roberts as Chief Justice of the Supreme Court and other men and women, whether on the Ninth Circuit or other Federal courts, who understand the foundational principles of this country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006—Continued

AMENDMENT NO. 1732

Mr. REID. Mr. President, I send an amendment to the desk on behalf of BEN NELSON of Nebraska, an amendment numbered 1732.

The PRESIDING OFFICER. Without objection the pending amendment will be set aside and the clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. NELSON of Nebraska, proposes an amendment numbered 1732.

Mr. REID. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds for developing a final rule with respect to the importation of beef from Japan)

On page 173, after line 24, insert the following:

SEC. 7 _____. None of the funds made available under this Act shall be used by the Secretary of Agriculture for the purpose of developing a final rule relating to the proposed rule entitled "Importation of Whole Cuts of Boneless Beef from Japan", dated August 18, 2005 (70 Fed. Reg. 48494), to allow the importation of beef from Japan, unless the President certifies to Congress that Japan has granted open access to Japanese markets for beef and beef products produced in the United States.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MR. RONALD W. KISER

Mr. MCCONNELL. Mr. President, I rise today to recognize the outstanding service of a remarkable Kentuckian, Mr. Ronald W. Kiser. Mr. Kiser is the assistant chief of the Engineering Division for the Louisville District of the U.S. Army Corps of Engineers. He will retire from the Corps of Engineers this September 30 with over 36 years of dedicated service to our Nation.

A Louisville resident for decades, Mr. Kiser is originally a native of Charleston, WV. He began his career with the Corps of Engineers in the Huntington District, in West Virginia, upon graduation from the West Virginia University Institute of Technology, where he